

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 1-12 will have been canceled and claims 13-26 will have been submitted for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of the all claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express their appreciation to the Examiner for the detailed Official Action provided, for the acceptance of the drawings filed in the present application on January 4, 2002, for the acknowledgment of Applicant's claim for priority under 35 U.S.C. §119 and receipt of the certified copies of the priority documents, as set forth in the Official Action. Applicant further notes with appreciation the Examiner's acknowledgment of Applicant's Information Disclosure Statement filed in the present application on April 4, 2002 by the return of the initialed and signed PTO-1449 Form, and for consideration of the documents cited in the Information Disclosure Statement.

Turning to the merits of the action, the Examiner has rejected claims 1-5 and 7-11 under 35 U.S.C. § 102 (e) as being anticipated by HAYASHI (U.S. Patent No. 6,862,114). The Examiner also has rejected claims 6 and 12 under 35 U.S.C. § 103 (a) as being unpatentable over HAYASHI in view of YOSHIDA et al. (U.S. Patent No. 5,031,179).

However, Applicant respectfully traverses the above rejections.

As noted above, Applicant has canceled claims 1-12 and has submitted claims 13-26 for consideration by the Examiner. In this regard, Applicant notes that claim 13 is generally based on original claim 1, claim 14 is generally based on original claim 2, claim 15 is generally based on original claim 3, claims 16 and 17 are generally based on original claim 4, claim 18 is generally based on original claim 5, claim 19 is generally based on original claim 6, claim 20 is generally based on original claim 7, claim 21 is generally based on original claim 8, claim 22 is generally based on original claim 9, claims 23 and 24 are generally based on original claim 10, and claim 25 is generally based on original claim 11.

Applicant respectfully traverses the above rejections based on claims 13-26 and will discuss said rejections with respect to the pending claims in the present application as will be set forth herein below. The newly submitted claims merely clarify the subject matter recited in the rejected claims, but do not narrow the scope of the claims.

Applicants' claims 13-19 generally relate to a receiving Internet facsimile apparatus connectable to a mail sever via a network. The receiving Internet facsimile apparatus includes a communicator that receives, from the mail server, an e-mail to which a plurality of pages of image data are attached, and a memory that stores the plurality of pages of the image data attached to the received e-mail. The receiving Internet facsimile apparatus further has a controller that determines whether the memory overflows during the reception of the e-mail, to stop receiving the e-mail when it is determined that the memory overflows. The controller also stores, in the memory, a predetermined page of

the image data attached to the e-mail, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. Claims 20-26 recite related methods.

In contrast, HAYASHI relates to an image data transmitting apparatus which stops both a reading operation and a transmission operation of image data when a transmission trouble is detected, and resumes both the reading operation and the transmission operation after the documents are reset.

However, HAYASHI does not describe receiving operations in Figs.3-9. Rather, HAYASHI describes reading operations and transmission operations in Figs.3-9. HAYASHI also does not relate to an Internet facsimile apparatus. Rather, HAYASHI relates to a conventional facsimile apparatus. In other words, HAYASHI does not contain any disclosure about an Internet facsimile apparatus. Thus, HAYASHI does not disclose the claimed receiving Internet facsimile apparatus connectable to a mail sever via a network. For the same reasons, HAYASHI neither discloses the claimed receiving Internet facsimile apparatus which receives, from the mail server, an e-mail to which a plurality of pages of image data are attached nor the claimed receiving Internet facsimile apparatus which stores the plurality of pages of the image data attached to the received e-mail.

On the other hand, the present claimed invention relates to a receiving Internet facsimile apparatus.

Further, HAYASHI discloses receiving operations in Figs. 10 and 11. However, HAYASHI receives, from a transmitting apparatus, the number of the previously received sheets, the number being assigned in a NSS signal (Fig.10, S404) and determines whether currently received number of pages is larger than the number of the previously received sheets (Fig.10, S407).

However, HAYASHI does not disclose determining whether the memory overflows, as substantially recited in independent claims 13 and 20. Rather, HAYASHI merely compares currently received number of pages with the number assigned in the NSS signal. Thus, HAYASHI does not disclose the claimed receiving Internet facsimile apparatus which determines whether the memory overflows during the reception of the e-mail.

Further, HAYASHI does not disclose the claimed receiving Internet facsimile apparatus which stops receiving the e-mail when it is determined that the memory overflows. Rather, HAYASHI merely discloses an image data transmitting apparatus which stops both a reading operation and a transmission operation of image data when a transmission trouble is detected. For the same reasons, HAYASHI et al. does not disclose the claimed receiving Internet facsimile apparatus which stores, in the memory, a predetermined page of the image data attached to the e-mail, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server.

Absent a disclosure in a single reference of each and every element cited in a claim, a prima facie case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 13 and 20, these claims, and the claims dependent therefrom, are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection of the claims under 35 U.S.C. § 102.

Thus, the pending claims are distinguished over HAYASHI, as well as the other references of record.

Therefore, it is respectfully submitted that the features recited in Applicant's submitted claims 13-26 are not disclosed in HAYASHI cited by the Examiner.

With respect to the Examiner's rejection of dependent claims 6 and 12 (and in which claim 6 generally corresponds to new claim 19), YOSHIDA et al. relate to a data communication apparatus having an error retransmission mode. However, YOSHIDA et al. do not relate to a receiving Internet facsimile apparatus. Rather, YOSHIDA et al. relate to a conventional facsimile apparatus. In other words, YOSHIDA et al. do not contain any disclosure about an Internet facsimile apparatus.

Further, YOSHIDA et al. do not disclose the claimed receiving Internet facsimile apparatus connectable to a mail sever via a network. For the same reason, YOSHIDA et al. also neither disclose the claimed receiving Internet facsimile apparatus which receives, from the mail server, an e-mail to which a plurality of pages of image data are attached nor the receiving Internet facsimile

apparatus which stores the plurality of pages of the image data attached to the received e-mail, as generally claimed in independent claim 13 and 20.

Further, YOSHIDA et al. do not disclose the claimed receiving Internet facsimile apparatus or method which determines whether the memory overflows during the reception of the e-mail. Thus, YOSHIDA et al. do not disclose the claimed receiving Internet facsimile apparatus or method which stops receiving the e-mail when it is determined that the memory overflows. YASHIDA et al. also do not disclose the claimed receiving Internet facsimile apparatus which stores, in the memory, a predetermined page of the image data attached to the e-mail, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server, as generally claimed in independent claims 13 and 20.

Rather, YOSHIDA et al. merely disclose an error retransmission mode utilized for a conventional facsimile apparatus.

Further, YOSHIDA et al. neither disclose the claimed memory which stores a data amount of the image data stored in the memory when the receiving the e-mail was stopped nor the claimed receiving Internet facsimile apparatus which determines the predetermined page of the image data, based on the data amount of the image data stored in the memory, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server, as generally claimed in independent claims 13 and 20.

Thus, the pending claims are clearly distinguished over YOSHIDA et al.

Nevertheless, with respect to the Examiner's rejection of the dependent claims based on HAYASHI in view of YOSHIDA et al., Applicant submits that newly-added dependent claims 14-18 and 21-26 are respectively dependent from allowable independent claims 13 and 20, which are allowable for at least the reasons discussed supra. Thus, these dependent claims are also allowable for at least the reasons discussed supra. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references.

Therefore, it is respectfully submitted that the features recited in Applicant's submitted claims 13-26 are not disclosed in YOSHIDA et al. cited by the Examiner. The pending claims are also submitted to be patentable over the Examiner's proposed combination, since neither HAYASHI nor YOSHIDA et al. discloses the combination of features recited in Applicants' claims 13-26.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application, in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims and has submitted the new claims for consideration by the Examiner. With respect to the rejected claims, Applicant has pointed out the features thereof and have contrasted the features of the rejected claims with the disclosure of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

June 1, 2005
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